

Applicants respectfully traverse the Examiner's rejection because the Examiner has not made a *prima facie* case of obviousness.

The prior art does not teach or suggest all the elements of the claims, either explicitly or inherently. It appears that the Examiner has misunderstood the cited references and the prior art. Fig. 15 of cited reference Ronen shows that metal electrode 80'-1 and one of plate electrodes 80-1 are connected to each other. Hence, both of them are not capacitively coupled.

Therefore, Ronen does not cure the defects of the APA. Moreover, the metal electrode 80'-1 and one of plate electrodes 80-1 of Ronen are connected to each other, and the plate electrodes 80-1 are not floating electrodes.

Further, the device of the prior art (APA) does not include the feature of "parts of the metal electrode are extended onto the interval dielectric film and are located over the plate electrodes" as recited in claim 1 of the present invention. Fig. 14 in the present specification shows that the metal electrode 15 of the prior art is electrically connected to drain region 6. However, electrodes 16 and 17 are not electrically connected to the drain region 6. Also, as shown in Fig. 15 of Ronen, metal plate 80'-3 is not an extended portion from interfacing metal plate 40.

For the reasons stated above, the Examiner has not set forth a *prima facie* case of obviousness; therefore, the Applicants respectfully request that the Examiner withdraw the § 103 rejection.



-3-

Application Serial No. 09/736,230
Attorney Docket No. 740819-474

Conclusion

Having responded to all rejections set forth in the outstanding non-final Office Action, it is submitted that the claims are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,

Eric J. Robinson
Registration No. 38,285

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 790-9110

RECEIVED
APR 17 2002
TECHNOLOGY CENTER 2800

EJR/RLP:gjc